

EXHIBIT B

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL**

SCUNGIO BORST & ASSOCIATES, LLC, :	FEBRUARY TERM, 2019
:	:
Plaintiff, :	NO. 00666
:	:
v. :	COMMERCE PROGRAM
:	:
KPG-MCG CURTIS TENANT, LLC, et al., :	Control No. 2104420
:	:
Defendants, :	:

ORDER

AND NOW, this 3rd day of November, 2021, upon consideration of the Motion for Summary Judgment filed by KPG-MCG Curtis Tenant, LLC, the responses thereto, and all other matters of record, it is **ORDERED** that said Motion is **DENIED**.¹

BY THE COURT:



J.

¹ If defendant withheld payment of certain amounts allegedly due to plaintiff and such withholding was proper under the provisions of the Mechanic's Lien Law, then such withholding is unlikely to be found to be a violation of the Contractor and Subcontractor Payment Act.